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For any questions about
this communication:
Tel.: +31 (0)70 340 45 00

Date 21-03-2011

Reference BB 48390	Application No./Patent No. 01937209.3 - 1241 / 1279281
Applicant/Proprietor SCIENTIFIC ATLANTA, INC.	

Summons to attend oral proceedings pursuant to Rule 115(1) EPC

You are hereby summoned to attend oral proceedings arranged in connection with the above-mentioned European patent application.

The matters to be discussed are set out in the communication accompanying this summons (EPO Form 2906).

The oral proceedings, which will not be public, will take place before the Examining Division.

on 13.09.11 at 09.00 hrs as a video-conference
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No changes to the date of the oral proceedings can be made, except on serious grounds (see OJ EPO 1/2009, 68). If you do not appear as summoned, the oral proceedings may continue without you (R. 115(2) EPC, see also OJ EPO 10/2008, 471).

Your attention is drawn to Rule 4 EPC, regarding the language of the oral proceedings, and to the Special edition No. 3 OJ EPO 2007, L.1., concerning the filing of authorisations for company employees and lawyers acting as representatives before the EPO.

The final date for making written submissions and/or amendments (R. 116 EPC) is 12.08.11.

During the video-conference the examining division will be located in Room S0.14 at the EPO Patentlaan 3-9, Rijswijk (NL).

In this respect, you are informed that the EPO video-conference studios employ ISDN technology (H.261/H.320 ITU compatible, channel bonding or H.244 Videocoding CIF H.261, Audioencoding G.722, max. transmission rate 768 Kbit/s using 6 channels). Your video-conference equipment should meet a minimum transmission rate of 384 Kbit/s. The use of video-conference equipment linked to personal computers with a maximum transmission rate of 128 Kbit/s is not possible.

Concerning establishing the required video-conference link you are further informed of the following:

- conference room video dial-up number: (0031) 70 799 9709
- conference room telefax number: (0031) 70 340 9119
- conference room telephone number: (0031) 70 340 9112
- telephone number in case of connection difficulties: (0031) 70 340 4444

==> Please supply the EPO as soon as possible with the following information concerning your
videoconference studio:

- ==>
- type and name of VICO equipment
 - telephone and fax number of the studio including country and area code
 - dialling number to reach the studio including country and area code
 - transmission speed in Kbit/s (minimum required is 384 Kbit/s)
 - name of contact person with telephone number and email address
- ==>

1st Examiner:
Yvonnnet J

2nd Examiner:
Troya Chinochilla A

Chairman:
Didierlaurent P

For the Examining Division

Annexes:
Confirmation of receipt (Form 2936)
Communication (EPO Form 2906)



Verbeek-Verdelhan des Molles, V.

Datum
Date 21.03.2011
Date

Blatt
Sheet 1
Feuille

Anmelde-Nr:
Application No: 01 937 209.3
Demande n°:

The examination is being carried out on the **following application documents**

Description, Pages

1, 3-22	as published	
2	filed in electronic form on	27-09-2010

Claims, Numbers

1-10	filed in electronic form on	27-09-2010
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Drawings, Sheets

1/10-10/10	as published
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The Examining Division has carefully considered the arguments and amendments presented with the letters of response of the Applicant, but finds that no substantial progress has been made to overcome the outstanding objections and is thus not in a position to grant a patent on the present claims.

In accordance with the applicants' request, oral proceedings are thus to be held during which the matters set out below will be discussed (Art 113(1) EPC) and a decision whether to grant or refuse the application will be made. In the present case, depending on the outcome of the discussion during the Oral Proceedings, it might be decided to continue the proceedings in writing.

The present claims are such that the requirements set out in the EPC are still contravened. The objections to the individual claims are set out in detail below. Depending upon the applicants' further submissions, other requirements set out in the EPC may become an issue during the oral proceedings.

In the light of the high expenditure of oral proceedings, the applicants are reminded of the possibility of requesting a "decision according to the state of the file" which is appealable (see Guidelines C-VI, 4.5).

1. Cited documents

1.1 The following documents have already been cited in the preceding communications:

D1: WO 98/56188, cited in the first communication dated 23.06.2008

D2.1: WO 99/45701, now renumbered from D2 cited in the communication dated 23.06.2008

D2.2: WO 98/47279, now renumbered from D2 cited in the communication dated 16.03.2010

D3 & D3T: JP 08289219 & computer translation of D3, cited in the communication dated 16.03.2010

D4: EP 811939, cited in the communication dated 16.03.2010

1.2 The following documents are cited by the Examiner (see Guidelines C-VI, 8.2 and 8.3). Copies of these documents are annexed to the communication and the numbering will be adhered to in the rest of the procedure.

D5: US 5812123

D6: US 5664133

1.3 Documents in bold characters are used in this communication

2. Articles 84, 123(2) EPC

The applicant has amended the former claim 1 (filed with letter dated 19.12.2008) by introducing the feature relating to the presentation of the information 57 (fig. 5) after a programmed timed delay set by the system operator (see description, page 12, lines 22-23) and defined in claim 1 by the following term: "waiting a programmed time delay".

Independently from the fact that such a feature is not clear (who performs said step, where is it performed), the description discloses only one possibility: this step is performed by the system operator (page 12, line 23), said system operator being at the server side (page 6, lines 27-28, page 9, lines 24-25).

As a consequence, this amendment introduces subject-matter which extends beyond the content of the application as filed, contrary to Article 123(2) EPC.

3. Article 56 EPC

3.1 It is agreed with the applicant that neither D2.2 nor D3 discloses the features "waiting ..." and "upon expiration ..." recited in claim 1, lines 14-25. However, it presently appears that the other features of claim 1 (lines 1-13, 26-27) -already known from D2.2 or D3- are very general features related to the presentation of a menu with a plurality of selectable links.

3.2 The examining division is of the opinion that the present application does not meet the requirements of Article 52(1) EPC because the subject-matter of claim 1 does not involve an inventive step within the meaning of Article 56 EPC.

D2.2 is considered to be the prior art closest to the subject-matter of claim 1 and discloses an interface method for providing access to a plurality of services supported by a client device (page 1, lines 17-30) according to a service authorization (page 2, lines 27-28, page 6, lines 22-26) for a user of the client device, comprising the steps of:

presenting the user a menu containing a plurality of selectable link representations corresponding to the plurality of services, wherein the plurality of selectable link representations are presented in one of a plurality of defined display modes (figure 2A, figure 2B, figure 3, figure 4) based on a service authorization corresponding to each service of the plurality of services (page 6, lines 22-30, page 6, line 34 to page 7, line 13, page 7, lines 27-34);

receiving a user input denoting a selected link representation of the plurality of selectable link representations (page 5, line 34); and

~~waiting a programmed time delay;~~

~~upon expiration of the programmed time delay, presenting textual information about the selectable link representation, thereby confirming the user's interest in the selectable link representation, wherein presenting textual information about the selectable link representation comprises presenting a title for the textual information to be displayed in a window overlapping at least a portion of a currently displayed service from among the plurality of services, the title associated with at least one of the plurality of services, the title specified in an attribute of the selectable link representation; and~~

activating a service responsive to receiving the user input (page 1, lines 31-35).

3.3 The subject-matter of claim 1 therefore differs from D2.2 in that the following steps are performed:

- waiting a programmed time delay;

- upon expiration of the programmed time delay, presenting textual information about the selectable link representation, thereby confirming the user's interest in the selectable link representation, wherein presenting textual information about the selectable link representation comprises presenting a title for the textual information to be displayed in a window overlapping at least a portion of a currently displayed service from among the plurality of services, the title associated with at least one of the plurality of services, the title specified in an attribute of the selectable link representation.

3.4 The problem to be solved by said distinguishing feature may therefore be regarded as avoiding superfluous or unnecessary display of additional information when the user is only navigating, hovering, or surfing over the different cells of a "main" menu.

But such a problem is already known to the skilled person when using EPG, see D5, column 10, lines 35-40, figure 2, ref. 52 and subsequently ref. 54 , 56, wherein a subcategory will be displayed after a short default-out period in order to prevent rapid and unnecessary updating of additional information when the user is navigating within the main category menu, or even known to the skilled person or any computer user, see D6, column 6, lines 52-59, figures 2, 8, wherein a submenu appears after a short delay to prevent flashing when the cursor is merely drawn quickly through the main menu.

With regard to the step of presenting textual information (claim 1, lines 15-25), it is considered that said feature refers merely to presentation of information and consequently should not be considered as a technical feature (Article 52 (2) (d) EPC). Moreover, the headend processor 14 involved in the configuration of the EPG in D5 (column 3, lines 24-30, column 6, lines 14-17, column 7, lines 8-15) can define which types of informations should be inserted in the additional information display, e.g., any type of titles for informing the user about the different selectable links or cells of the EPG.

3.5 As a consequence, the solution proposed in claim 1 of the present application cannot be considered to involve an inventive step (Articles 52(1) and 56 EPC) in view of D2.2 (or even D3) in combination with the disclosure of D5 (or even D6).

3.6 Dependent claims do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to novelty and/or inventive step:

Claim 2: see D5, figures 2-6 (or D6, figures 2, 8)

Claim 3: see D1, page 23, lines 27-28 or page 24, lines 40-41

Claim 4: see D1, page 24, line 41 to page 25, line 2, wherein the menu templates may be configured by the agent, which may be located in the server, see page 24, lines 30-32

Claim 5: see D4, column 18, paragraph 2., wherein alternative services are provided

Claims 6-8: see D2.2 (or D3)

Claim 9: see D4, column 18, paragraph 2., wherein alternative services are provided

Claim 10: see D2.2 (or D3)

It should be underlined that features defined in dependent claims 6-8, 10 merely refer to different types of presenting (or not presenting) non-accessible information (the display modes of claim 1).

4. Should the applicants nevertheless regard some particular matter as patentable and wish to avoid Oral Proceedings, they are reminded of the provisions of Rule 116 (1) EPC.

At the discretion of the Examining Division, any late-filed submissions may be disregarded.

In view of Rule 137(3) EPC furthermore, considerable progress in view of all of the previous objections is required and the applicants are thus advised to include a detailed argumentation as to why a newly filed independent claim is considered allowable, clear, and new and inventive over the available art.

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicants should clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see Guidelines E-II, 1).

The attention of the Applicant is also drawn to Rule 115 (2) EPC.